

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDRE RODGERS,

Plaintiff,

v.

**COREY EISEL, HEATHER
GLOWACZ, and the CITY OF
DETROIT,**

Defendants.

2:19-cv-10809

HON. TERRENCE G. BERG

**ORDER DISMISSING
COMPLAINT WITHOUT
PREJUDICE**

Plaintiff Andre Rodgers filed this civil rights lawsuit on March 19, 2019 asserting claims against Defendants Corey Eisel, Heather Glowacz and the City of Detroit under 42 U.S.C. § 1983. At the time he filed his Complaint, Plaintiff appears to have been under the mistaken impression that Defendants Eisel and Glowacz were Detroit Police Department officers. *See* ECF No. 1. Plaintiff later learned that these two law enforcement officers were in fact Wayne State University public safety officers. Rather than amending his existing Complaint to reflect that new understanding, Plaintiff chose to file a second case in this district, Case No. 2:19-cv-11450, on May 16, 2019. In his second-filed case, Plaintiff

asserted § 1983 claims against Defendants Eisel and Glowacz only, correctly identifying them as Wayne State University public safety officers, rather than as employees of the Detroit Police Department. Defendants Eisel and Glowacz have filed motions to dismiss both suits, noting that Plaintiff now has two ongoing suits against largely the same Defendants, arising from the same set of facts.

In response to the motion to dismiss filed by Defendants in this first-filed case, Plaintiff acknowledged the duplicative nature of his two pending lawsuits and averred that he “does not object to dismissal of the present complaint without prejudice as another complaint was filed on May 17, 2019 properly identifying Defendants Corey Eisel and Heather Glowacz as Wayne State University Public Safety Officers being sued in their individual capacities, case number 2:19-cv-11450.” ECF No. 7 PageID.46. It would be a waste of judicial resources for the Court to maintain two nearly identical lawsuits between several of the same parties. When faced with a duplicative lawsuit, “the federal court may exercise its discretion to stay or dismiss the suit before it, allow both federal cases to proceed, or enjoin the parties from proceeding in the other suit.” *Twaddle v. Diem*, 200 F. App’x 435, 438 (6th Cir. 2006) (citing

Smith v. SEC, 129 F.3d 356, 361 (6th Cir. 1997)). Because Plaintiff may pursue full remedial relief through his second-filed suit, in accordance with his expressed consent to dismissal of this case, the Court will dismiss Plaintiff's Complaint without prejudice and proceed to adjudicate his claims in the second-file case, Case No. 2:19-cv-11450. The Court will enter a separate judgment dismissing this case without prejudice.

SO ORDERED.

Dated: July 16, 2019

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE